

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DRILL TECH DRILLING & SHORING,  
INC.,**

**Plaintiff,**

**vs.**

**NGC GROUP, INC.,**

**Defendant.**

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**Civil Action No. \_\_\_\_\_**

**COMPLAINT TO CONFIRM ARBITRATION AWARD**

Plaintiff Drill Tech Drilling & Shoring, Inc. (“**Drill Tech**”) applies to this Court under United States Arbitration Act, 9 U.S.C.A. § 9, as a suit for confirmation of an arbitration award, and in support of this Complaint shows:

**I.  
PARTIES**

1. Plaintiff Drill Tech Drilling & Shoring, Inc. is a California corporation authorized to do business in the State of Texas.

2. Defendant NGC Group, Inc. (“**NGC**”) is a Nebraska corporation authorized to do business in the State of Texas. NGC may be served by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

**II.  
JURISDICTION & VENUE**

3. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1332, as there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. This court also has jurisdiction of this action, pursuant to the United

States Arbitration Act, 9 U.S.C.A. § 9, as a suit for confirmation of an arbitration award.

4. Venue is also proper in the Northern District of Texas, Dallas Division pursuant to 9 U.S.C.A. § 9, as the arbitration award was made in this District.

### **III.** **FINAL AWARD**

5. On August 10, 2020, Plaintiff filed a Demand for Arbitration, American Arbitration Association Case No. 01-20-0014-1089 (the “**Arbitration Proceeding**”). Defendant filed a Counterclaim with the American Arbitration Association on October 18, 2023.

6. The Final Hearing on the merits proceeded for four days beginning on December 9, 2024, in Dallas, Texas.

7. On March 3, 2025, the Arbitrator issued a Final Award in the Arbitration Proceeding (“**Final Award**”) in Plaintiff’s favor. A copy of the Final Award is attached as **Exhibit A** and incorporated by reference.

8. Plaintiff filed a Request for Clarification of Final Award on March 21, 2025. On April 18, 2025, the Request for Clarification of Final Award was denied; therefore, the Court shall confirm the Final Award in accordance with 9 U.S.C.A. § 9.

9. Drill Tech anticipates looking to the Court to address the computation of pre-judgment interest granted in the Final Award.

### **III.** **ATTORNEY’S FEES**

10. Drill Tech claims entitlement to recovery of its reasonable and necessary attorneys’ fees and costs incurred in confirmation of the Final Award. An award of attorneys’ fees is permitted when a party has refused to abide by an arbitration decision ‘without justification.’” *Bruce Hardwood Floors, Div. of Triangle Pac. Corp. v. UBC, S. Council of Indus. Workers, Local Union*

*No. 2713*, 103 F.3d 449, 453 (5th Cir. 1997); *Ball Metal Beverage Container Corp. v. Local 129, United Auto., Aerospace, & Agric. Implement Workers of Am.*, No. 21-10755, 2022 WL 340573, at \*8 (5th Cir. Feb. 4, 2022).

**PRAYER**

Plaintiff requests that notice of hearing be sent to Defendant, and that on final hearing, Plaintiff have judgment as follows:

- a. Confirmation of the Final Award;
- b. Costs of suit;
- c. Attorneys' fees incurred in confirmation of the Final Award; and
- d. Such other and further relief to which Plaintiff may be justly entitled.

DATED: June 10, 2025.

Respectfully submitted,

**WEINSTEIN RADCLIFF PIPKIN LLP**

*/s/ Gregory M. Weinstein*

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**ATTORNEYS FOR CLAIMANT DRILL TECH  
DRILLING & SHORING, INC.**